

Newark

Ras J. Baraka
Mayor

Department of Law

920 Broad Street
Newark NJ 07102
973-733-3880
Fax 973 733-5394

Kenyatta Stewart
Corporation Counsel

Gary S. Lipshutz
First Assistant Corporation Counsel
Direct Dial (973) 733-5945
lipshutzg@ci.newark.nj.us

February 2, 2021

Via Electronic filing

Hon. Leda D. Wettre, U.S.M.J.
MLK Federal Building and Courthouse
50 Walnut Street
Newark, NJ 07102

Re: CITY OF NEWARK VS CITY OF NEW YORK ET AL
Docket No. 2:19-cv-20931

Status letter

Dear Judge Wettre:

On behalf of the Plaintiff City of Newark, I write to provide the Court with an update.

It is true that the City of Newark has not been able to serve discovery demands, or respond to the Intervenor's Complaint or to NYC's discovery demands. I want to explain what has happened, but more importantly, I want to get the matter back on track.

Since November 2000, a series of events have greatly affected my ability to attend to this matter.

First, my daughter was diagnosed with COVID and that meant I was quarantined for two weeks (she is fine). City Hall has been intermittently closed (at times for weeks) because of COVID outbreaks. And, perhaps most impactful, the City's network malfunctioned in early December and all of my files were inaccessible for entire month of December into early January. While I was hopeful that the problem was resolved, as access was briefly restored in mid-January, I have since again lost access to the network and am now operating off of a USB drive. Unfortunately, I presently have no access to my network files.

In addition, we have had significant staffing issues in the Law Department because of the Pandemic, with numerous attorneys coming down with the virus, and I have been essentially frantically responding to one emergency after another.

On top of that, I have recently attended the funerals of several NPD officers (and long-time friends) who have died from COVID.

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The last few months have truly been some of the most difficult times in my entire career.

I was reluctant to request additional time because I did not know when the City's network was going to be restored and I did not want to make a promise that I could not fulfill.

I am confident, however, that I will be able to devote full attention to this matter going forward. My overall litigation responsibilities have significantly diminished just recently and the Law Department has just welcomed back Judge Emilia Perez as the new Chief of Litigation as of yesterday, February 1, 2021 (Judge Perez was a Municipal Court Judge for the City).

I am therefore respectfully proposing the following:

- The City will respond to the Intervenor's Complaint by February 19, 2021.
- The City will serve (joint with Jersey City) discovery demands upon NYC by February 19, 2021.
- The City will respond to NYC's discovery demands by March 31, 2021.

I hope that Your Honor understands this unprecedented situation and affords the City the opportunity to bring this case back on track.

I am also aware the NYC has requested leave to file a motion for judgment on the pleadings. If NYC wants to file the motion, we will be happy to respond.

Respectfully,

Kenyatta Stewart
Corporation Counsel

By: /s/ Gary S. Lipshutz
Gary S. Lipshutz
First Assistant Corporation Counsel

/GSL